

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STETSON LEE HINEBAUCH,

Defendant.

CR 18–105–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on April 22, 2019. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommended this Court accept Stetson Lee Hinebauch’s

guilty plea after Hinebauch appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to false statement during a firearms transaction in violation of 18 U.S.C. § 922(a)(6) as charged in Count II of the Indictment.

I find no clear error in Judge Cavan's Findings and Recommendation (Doc. 54), and I adopt them in full.

Accordingly, IT IS ORDERED that Stetson Lee Hinebauch's motion to change plea (Doc. 46) is GRANTED and Stetson Lee Hinebauch is adjudged guilty as charged in Count II of the Indictment.

DATED this 9th day of May, 2019.



Dana L. Christensen, Chief District Judge
United States District Court